

IN RE: PETITION FOR ZONING VARIANCE  
S/S Loreley Beach Road, 2295  
E of the c/a of Stevens Road  
(5837 Loreley Beach Road)  
11th Election District  
5th Councilmanic District  
Henry Walter Lasek, Jr.  
Petitioner

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 89-353-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit three recreational vehicles stored along the side property line in lieu of the maximum one recreational vehicle stored in the side yard a minimum of eight feet to the rear of the lateral projection of the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition was the adjoining property owner, Richard Murray. There were no Protestants.

Testimony indicated that the subject property, known as 5837 Loreley Beach Road, consists of .396 acres more or less zoned R.C. 2, and is located within the Chesapeake Bay Critical Areas on Bird River. The subject property is improved with a two story single family dwelling which has been Petitioner's residence for the past five years. Presently, the Petitioner and his sons own three boats less than 20 feet in length strictly for recreational use. Mr. Lasek testified that as a result of a zoning violation filed regarding another property in the area, he was advised that he was in violation of the zoning regulations regarding the storage of more than one recreational vehicle on the property. Mr. Lasek testified that he has spoken with the adjoining property owners who have indicated they have no objection to the three boats being stored in the side

yard and submitted letters of support from the two adjacent property owners and a letter from another resident of the area.

Petitioner emphasized that the request is limited for use by his family members and that he does not now nor does he intend to use the property to store boats as a favor or for hire. Petitioner further contends the majority of the time the boats will be stored in the water.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

-2-

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and

-3-

- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of March, 1989 that the Petition for Zoning Variance to permit three recreational vehicles stored along the side property line in lieu of the maximum one recreational vehicle stored in the side yard a minimum of eight feet to the rear of the lateral projection of the front foundation line of the dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The variance granted herein is limited to the Petitioner. Any future property owner desiring to store more than one recreational vehicle on the subject property must file a new Petition for Zoning Variance for a determination as to whether or not such approval should continue.
- 2) The storage of recreational vehicles shall be limited to three (3) boats and only so long as the three boats are owned either by Petitioner, his wife, or his children.

-4-

- 3) At all times upon request by a representative of the Zoning Enforcement Staff, Petitioner shall provide proof of ownership of the recreational vehicles stored on the property to insure compliance with this Order.
- 4) The three recreational vehicles stored on the subject property must be boats, of which two may not exceed 20 feet in length and the third may not exceed 24 feet in length; and,

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated January 10, 1989, attached hereto and made a part hereof.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

AMN:bja

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 415A.1 To permit three recreational vehicles stored along the side property line in lieu of the maximum one and minimum eight feet to the rear of the lateral projection of the front foundation line of the dwelling, respectively.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

WE OWN THREE BOATS, THIS BEING WATERFRONT PROPERTY IT WOULD BE APPROPRIATE TO HAVE THEM IN THE WATER. IT IS IMPRACTICAL TO HAVE THEM IN THE WATER AT ALL TIMES, IT WOULD BE IMPRACTICAL TO HAVE TO RENT A PLACE TO STORE THEM IN THE OFF SEASON.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day

of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commission of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, on the 14th day of March, 1989, at 3 o'clock P. M.

J. Robert Haines  
Zoning Commissioner of Baltimore County.

(over)

BEGINNING AT A POINT ON THE SOUTHSIDE OF  
LORELEY BCH. RD. (30' WIDE) AT A DISTANCE OF 2280' AL  
EAST OF STEVENS RD AND BEING LOT NOS 12 AND 13  
AS SHOWN ON "PLAT NO I OF LORELEY BEACH" WHICH  
IS RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY  
IN PLATBOOK NO. CWSB 10, FOLIO 8  
KNOWN AS 5837 LORELEY BEACH RD. IN THE 11TH  
ELECTION DISTRICT.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines  
Zoning Commissioner  
FROM: Mr. Robert W. Sheesley  
SUBJECT: Lasek Property  
Zoning Variance - Item 8257

JAN 11 1989

ZONING OFFICE

The subject property is located at 5837 Loreley Beach Road in White Marsh. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

The applicant has requested a variance: "to permit three recreational vehicles to be stored along the side property line in lieu of the maximum one, and a minimum eight feet to the rear of the lateral projection of the front foundation line of the dwelling, respectively".

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<CONAR 14.15.10.01 O>

This project is consistent with the Chesapeake Bay Critical Area Criteria and, therefore, is approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

Robert W. Sheesley  
Robert W. Sheesley, Director  
Department of Environmental Protection  
and Resource Management

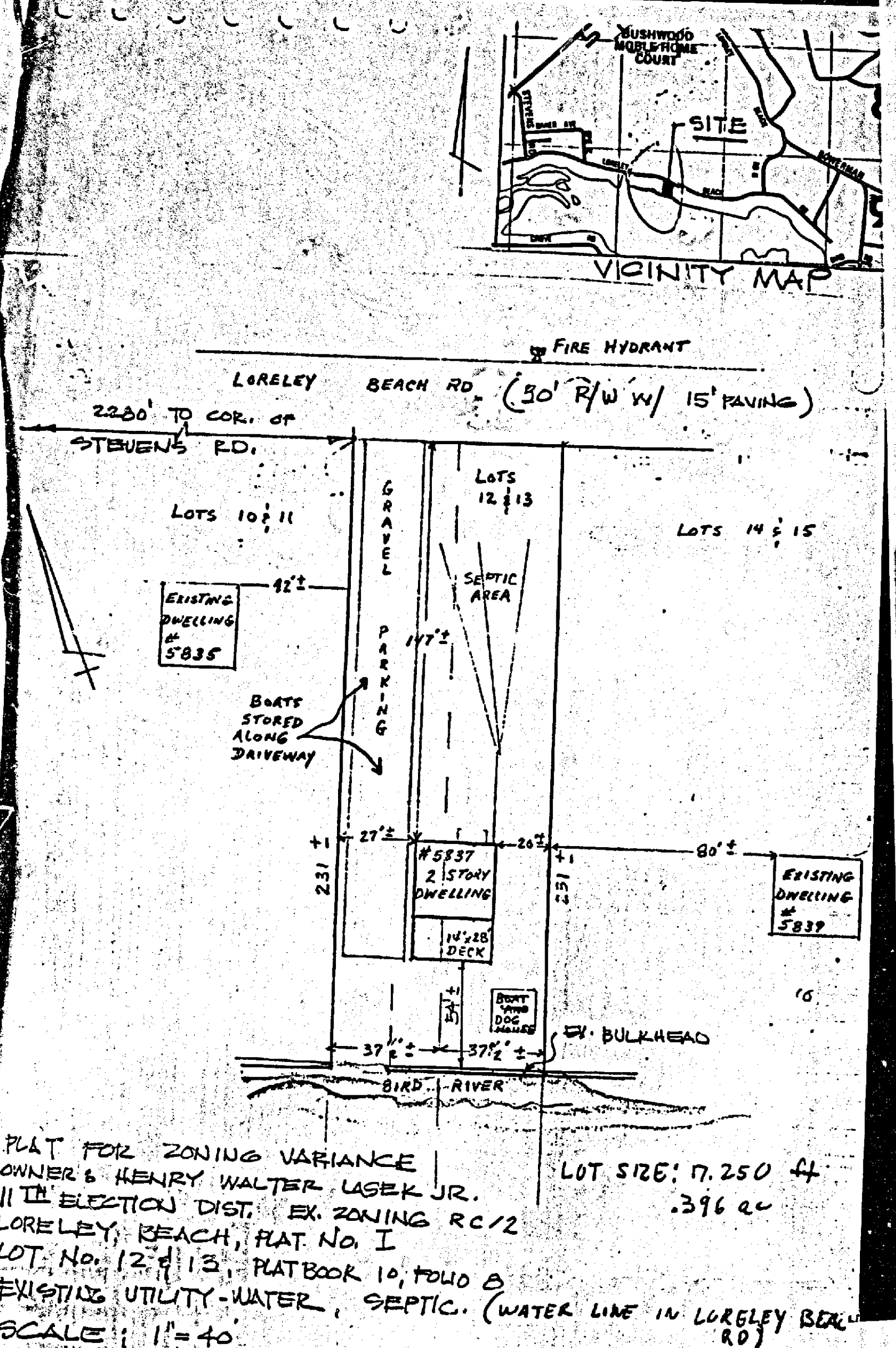
RWS:KLC:tjg

cc: The Honorable Ronald B. Hickernell









PLAT FOR ZONING VARIANCE  
OWNER: HENRY WALTER LASEK JR.  
11TH ELECTION DIST. EX. ZONING RC/2  
LORELEY BEACH, PLAT No. 1  
LOT No. 12, 13, PLATBOOK 10, FOLIO B  
EXISTING UTILITY WATER, SEPTIC. (WATER LINE IN LORELEY BEACH RD.)  
SCALE: 1" = 40'  
S.K. is located within the Chesapeake Bay Critical Area.  
#259  
Petitioner's Exhibit 1

CRITICAL AREA

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE  
TO: Zoning Advisory Committee DATE: February 23, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Meeting of December 27, 1988

The Developers Engineering Division has reviewed the zoning items for the subject meeting. We have 10 comments for items 198, 236, 248, 249, 250, 251, 254, 256, 257 and 258.

Attached are our comments for items 137 and the County Review Group comments for item 242.

Robert W. Bowling  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s  
Encls.

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 406  
Towson, Maryland 21204  
(301) 887-3334

January 17, 1989  
Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 137, 236, 248, 249, 250, 251, 254, 256, 257, and 258.

Michael S. Flanagan  
89-353-A  
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing on the 11th day of January, 1989.

James E. Dyer  
ZONING COMMISSIONER  
Chairman, Zoning Plans Advisory Committee

Petitioner: Henry Walter Lasek, Jr.  
Petitioner's Attorney

Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

RECEIVED  
JAN 22 1989  
ZONING OFFICE

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<COMAR 14.15.10.01 O>

This project is consistent with the Chesapeake Bay Critical Area Criteria and, therefore, is approved. Please contact Mr. David C. Flowers at 887-3980 if you require additional information.

Robert W. Shesley  
Robert W. Shesley, Director  
Department of Environmental Protection and Resource Management

RWS:KLC:tjs  
cc: The Honorable Donald B. Hickernell

# BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 27, 1989

Mr. Henry Walter Lasek, Jr.  
5837 Loreley Beach Road  
White Marsh, MD 21162

RE: Item No. 257, Case No. 89-353-A  
Petitioner: Henry Walter Lasek, Jr.  
Petition for Zoning Variance

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

Dear Mr. Lasek:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer  
Chairman, Zoning Plans Advisory Committee

JED:jw  
Enclosures

RECEIVED  
MAR 9 1989  
ZONING OFFICE

The Office of Planning and Zoning is not opposed to the above project; however, fencing or landscaping may be required.

PK/af

RECEIVED  
MAR 9 1989  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE  
TO: Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Zoning Petition No. 89-353-A

Date: March 7, 1989

The subject property is located at 5837 Loreley Beach Road in White Marsh. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area.

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PK/af

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
484-4500  
Paul H. Reincke  
Chief

January 12, 1989

J. Robert Haines, Zoning Commissioner  
Office of Planning & Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Re: Property Owner: Henry Walter Lasek, Jr. (Critical)  
Location: S/S Loreley Beach Rd., 2,295' E. c/1 of Stevens Road  
Item No.: 257  
Zoning Agenda: Meeting of 12/27/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- ( ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- (X) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl Kelly 1/16/89* NOTED & APPROVED: *J. R. Haines*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

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MAR 9 1989  
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MAR 9 1989  
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Department of Environmental Protection and Resource Management

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